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APR 04 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: JARABEK, Andrew; TOMBUL, Aris; CARSON, Mark; NGUYEN, Ho
Serial No.: 10/675,799(UNOFFICIAL)
Filed: September 30, 2003
Title: MANAGING DATA IN A SUBTENDED SWITCH
Group: 2631
Examiner:
Attorney Ref.: PAT 2514-2 US

April 4, 2006

Commissioner for Patents
United States Patent and Trademark Office
Customer Service Window
Mail Stop **DUPLICATES**
Randolph Building
401 Dulany Street
Alexandria, Virginia
22314
U.S.A.

Dear Sir:

RESPONSE

This is in response to the Office Action dated October 17, 2005 advising of the reconstruction of the above-referenced application file pursuant to the provisions of 37 CFR 1.251.

REMARKS

This is in response to the Notice Under 37 CFR 1.251. The copies submitted with this reply is a complete and accurate copy of the Applicant's record of correspondence between the Patent Office and the Applicant for the above-identified application. Please note that this file was transferred to us from the prior attorneys. Therefore, we can not state with certainty what was and was not sent to the USPTO, however, we are submitting what is in our file and believed to have been sent to the USPTO.

In an effort to ensure we comply with our duty of candor, we are erring on the side of inclusion and are therefore including documents in our file without knowing whether they were sent or are simply prior drafts. In particular, you will note that an erroneous assignment is included purporting to assign the above-referenced patent application to Nortel Networks Limited having a place of business at IP Law, Business Services, 600 Technology Park Drive, Billerica, MA 01821-5501 dated October 29, 2003 and November 20, 2003. We do

Application serial no. 10/675,799
Office Action dated October 17, 2005
Response dated March 23, 2006

not know whether that assignment was filed with the USPTO or not. In any event, the correct assignment from the inventors is dated February 12, 2004 and February 25, 2004 which correctly lists the assignee's information.

As it is unclear whether the erroneous assignment was filed, and as we can not confirm with the USPTO as the USPTO has lost its file, we are enclosing out of an abundance of caution in order to ensure that we comply with our duty of candor. However, we do not believe it was filed. If it was filed, it was filed erroneously and in any event, the correct assignment is enclosed.

No fee is believed due for this submission. However, Applicant authorizes the Commissioner to debit any required fee from Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP. The Commissioner is further authorized to debit any additional amount required, and to credit any overpayment to the above-noted deposit account.

Respectfully submitted,

Andrew Jarabeck et al.

By: 

Gail C. Silver
Reg. No. 47,945
Borden Ladner Gervais LLP
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Ottawa, ON K1P 1J9
CANADA
Tel: (613) 237-5160
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JMM/car

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006/055

APR 04 2006

PTO/SB/21 (09-04)

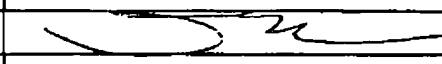
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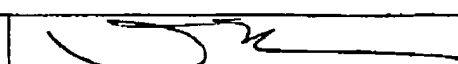
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Under the Patent Reduction Act of 1952, no response is required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	Various Applications
	Filing Date	
	First Named Inventor	
	Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	11	Attorney Docket Number Various Files

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Correspondence Re: Customer Number Assignment
Remarks Attention: MR. TIM WILLIAMS OFFICE OF INITIAL PATENTS Fax No.: 571-272-4000 703 308-7751		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Borden Ladner Gervais LLP		
Signature			
Printed name	Dennis R. Haszko		
Date	August 15, 2005	Reg. No.	39,575

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	
Typed or printed name	Dennis R. Haszko
Date	August 15, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/21 (09-04)

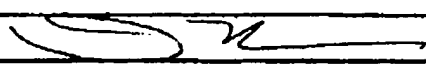
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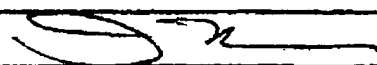
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10675,799(UNOFFICIAL)	
	Filing Date	September 30, 2003	
	First Named Inventor	Andrew JARABEK et al.	
	Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	9	Attorney Docket Number	PAT 2514-2

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Re-Submission of Power of Attorney
Remarks Fax: 671-273-8300		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Borden Ladner Gervais LLP, Customer No. 42534		
Signature			
Printed name	Dennis R. Haszko		
Date	July 18, 2005	Reg. No.	39,575

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	July 18, 2005	Date	39,575

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1459, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APR 04 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: JARABEK, Andrew; TOMBUL, Aris; CARSON, Mark; NGUYEN, Ho
Serial No.: 10/675,799(UNOFFICIAL)
Filed: September 30, 2003
Title: MANAGING DATA IN A SUBTENDED SWITCH
Group:
Examiner:
Attorney Ref.: PAT 2514-2 US

August 15, 2005

Commissioner for Patents
United States Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, Virginia
22314
U.S.A.

Attention: Mr. Tim Williams
Office of Initial Patent Examination

Dear Sir:

In a previous submission to the USPTO, a power of attorney was filed appointing the practitioners of Customer Number 42534 and revoking all previous agents and attorneys. This action has not been completed. Please update the USPTO records to:

1. appoint the practitioners of Customer Number 42534 as agents on the above referenced file;
2. direct all correspondence on the above referenced file to Customer Number 42534; and
3. revoke all previous attorneys and agents of record.

Please provide us with confirmation that the USPTO records have been updated to provide us with access to these files and to ensure that correspondence is being sent to our offices.

As many of our files have not properly been assigned to our customer number, we have recently experienced problematic issues of abandonment, correspondence from United States Patent and Trademark Office on files on which we should be noted as agents of record being mailed to firms who are not agents of record, revocation of Power of Attorney on applications on which we should not have been revoked, and appointments of agents to files which are not our responsibility.

Page 2 of 2
PAT 2514-2

Respectfully, the undersigned points out that these issues appear to have resulted through some inaction or error of the USPTO. Moreover, these issues have resulted in significant added costs to our clients and deleterious effects on our client's prospective patent rights.

If you have any questions or concerns with regard to this matter, please do not hesitate to contact me.

Respectfully submitted,
Andrew JARABEK et al.

By: 

Dennis R. Haszko
Reg. No. 39,575
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DRH/JLD/jkd

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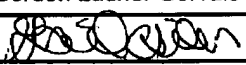
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/675,799	
	Filing Date	September 30, 2003	
	First Named Inventor	Andrew JARABEK et al.	
	Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	60	Attorney Docket Number	PAT 2514-2

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Notice Under 37 CFR 1.251 - Pending Application 2. Copy of Applicant's Record of Correspondence
Remarks Attention: MAILSTOP DUPLICATES Fax No.: 571-273-8300		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Borden Ladner Gervais LLP		
Signature			
Printed name	Gail C. Silver		
Date	April 4, 2006	Reg. No.	47,945

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Gail C. Silver	Date	April 4, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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COMMISSIONER FOR PATENTS

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In re Application of:

Application No.:

10675799

Filing Date:

9/30/03

Title:

Direct to:

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 Mail Stop: Duplicates
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

NOTICE UNDER 37 CFR 1.251 – Pending Application

Statement (check the appropriate box):

☒ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☐ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

☐ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

☐ Applicant does not possess any record of the correspondence between the Office and the applicant for the above identified application.

Decemker 19, 2005

Date

Signature

Jean-Pierre Fortin, Director Intellectual

Typed or printed name

Property

A Copy of this notice should be returned with the reply.

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

PTO Doc Code: R251.RES (Rev. 03/05)

P.O. Box 1450, Alexandria, Virginia 22313-1450 – www.uspto.gov

**UNITED STATES PATENT AND TRADEMARK OFFICE**

COMMISSIONER FOR PATENTS

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

NOTICE UNDER 37 CFR 1.251 - Pending Application

☒ The file on the cover sheet cannot be located after a reasonable search. Therefore, the Office is initiating the reconstruction of the file of the above-identified application pursuant to the provisions of 37 CFR 1.251.

Applicant is hereby requested to provide a copy of applicant's record (if any) of all of the correspondence between the Office and applicant for the above-identified application (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and whether applicant is aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☐ The following paper(s) pertaining to the above-identified application cannot be located after a reasonable search:

Therefore, the Office is initiating the reconstruction of such paper(s) pursuant to the provisions of 37 CFR 1.251.

Applicant is hereby requested to provide a copy of the paper(s) listed above and a statement that the copy of such paper(s) is a complete and accurate copy of applicant's record of such paper(s).

If applicant does not possess any record of the correspondence between the Office and the applicant for the file listed on the cover sheet or any copy of the paper(s) listed, applicant must reply to this notice by providing a statement that applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

☐ A printout from PALM of the contents of the file of the above-identified application is included with this notice.

Direct the reply to this notice to:

U. S. Patent and Trademark Office
Mail Stop: Duplicates
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Direct questions concerning this notice to:

Image Assistance Center/ Customer Service

1-888-786-0101

PTO Doc. Code: R251.NTC (Rev. 03/05)

P.O. Box 1450, Alexandria, Virginia 22313-1450 - www.USPTO.gov